

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GIOVANNI VELLA, Petitioner	:	No. 1:17-cv-00646
	:	
v.	:	(Judge Kane)
	:	(Magistrate Judge Saporito)
DENNIS BOWEN, <u>et al.</u>, Respondents	:	
	:	

ORDER

Before the Court is the May 16, 2017 Report and Recommendation of Magistrate Judge Saporito. (Doc. No. 5.) No timely objections have been filed. **ACCORDINGLY**, on this 31st day of May 2017, upon independent review of the record and the applicable law, **IT IS**

ORDERED THAT:

1. The Court **ADOPTS** the Report and Recommendation of Magistrate Judge Saporito (Doc. No. 5);
2. Petitioner Giovanni Vella's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 (Doc. No. 1), is **GRANTED**;
3. Petitioner shall be afforded an individualized bond hearing before an immigration judge within **thirty (30) days** of the date of this Order;
4. At the bond hearing, the immigration judge must make an individualized inquiry into whether detention is still necessary for purposes of ensuring that Petitioner attends removal proceedings and that his release will not pose a danger to the community. Chavez-Alvarez v. Warden York Cnty. Prison, 783 F.3d 469, 475 (3d Cir. 2015). Further, the government bears the burden of demonstrating that Lopez's continued detention is necessary to fulfill the purposes of the detention statute. Diop v. ICE/Homeland Sec., 656 F.3d 221, 233 (3d Cir. 2011); and
5. The Clerk is directed to **CLOSE** this case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania